

IFW



0170.03

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of)
JOYCE J. EVANS et al.)
Streptococcus Agalactiae)
Vaccine)
Serial No. 10/807,575)
Filed March 18, 2004)

The Honorable
The Commissioner for Patents
Sir:

Supplemental Information Disclosure Statement

Pursuant to 37 C.F.R. 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office (except U.S. patent applications) are listed on PTO/SB/08a/b, attached hereto.

II. COPIES (check at least one item)

a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all

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8/3/04
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other information or that portion which caused it to be listed, except that no copy of a U.S. patent application is included.

b. Any patents, publications or other information which are listed on PTO/SB/08a/b or on the copies of PTO 892 but which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one item)

a. Except as may be indicated below in (b), all of the patents, publications or other information are in the English language (concise explanation not required).

b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. The following additional information is provided for the Examiner's consideration:

IV. CROSS REFERENCE TO RELATED APPLICATIONS

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) application(s) to the Examiner's attention, applicant does not waive the confidentiality provisions of 35 U.S.C. 122:

FEES

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(b):
(check one item)

a. Within three months of the filing date of a national application [37 C.F.R. 1.97(b)(1)]. No fee or certification is required.

b. Within three months of the date of entry of the national stage as set forth in 1.491 in an international application [37 C.F.R. 1.97(b)(2)]. No fee or certification is required.

c. Before the mailing date of a first Action on the merits [37 C.F.R 1.97(b)(3)]. No fee or certification is required.

VI. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(c):
before the mailing date of a Final Office Action under 37 C.F.R. 1.113 [See 37 C.F.R. 1.97(c)(1)] or before the mailing date of a Notice of Allowance under 37 C.F.R. 1.311 [See 37 C.F.R. 1.97(c)(2)]. (check one item)

a. No certification; therefore, a fee in the amount of \$ 240.00 is required by 37 C.F.R. 1.17(p); or
b. See the certification below. No fee is required.

VII. Certification Under 37 C.F.R. 1.97(e)

The undersigned hereby certifies that:
(check only one item)

a. each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(C) more than three months prior to the filing of this statement.
c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

VIII. Payment of Fees (check one item)

a. X NO FEE IS REQUIRED.

b. Please charge Deposit Account No. 50-2132 in the amount of \$ 240.00 for the above-indicated fee.

This Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; or (iii) the cited information constitutes prior art in the subject application.

If this IDS is determined to not fully comply with the rules, the Examiner is urged to contact the undersigned.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2132.

Respectfully submitted,



Peoria, IL

Randall E. Beck, Agent of Record
Registration No. 34,078

(309) 681-6515
FAX: (309) 681-6688
(202) 720-2421

Enclosures:

X PTO/AB/08a/b
 PTO-892
X References (27)
 Foreign Search Report
 Fee
 Other:

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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

<p>Substitute for form 1449A/PTO</p> <p>U. S. PATENT & TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				<p>Complete if Known</p>	
				Application Number	10/807,575
				Filing Date	March 18, 2004
				First Named Inventor	Joyce J. Evans
				Art Unit	
				Examiner Name	
Sheet	1	of	4	Attorney Docket Number	0170.03

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature _____ Date Considered _____

¹ Applicant's unique citation designation number (optional). ² See Kinds of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ A client is to place a check mark here if English is the language of the document.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, U. S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/807,575
				Filing Date	March 18, 2004
				First Named Inventor	Joyce J. Evans
				Art Unit	
				Examiner Name	
Sheet	2	of	4	Attorney Docket Number	0170.03

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	AR1	AVI ELDAR et al., "Experimental Streptococcal Meningo-Encephalitis in Cultured Fish," <i>Veterinary Microbiology</i> 43 (1995) pp. 33-40		
	AS1	P.H. KLESIUS et al., "Vaccination Stress in Nile Tilapia, <i>Oreochromis Niloticus</i> ," <i>Presented at the European Associated Fish Patrol in September 22-23, 2003</i> .		
	AT1	A. ELDAR et al., "Development and Efficacy of a Vaccine Against <i>Streptococcus iniae</i> Infection in Farmed Rainbow Trout," <i>Veterinary Immunology and Immunopathology</i> 56 (1997) pp. 175-183		
	AU1	J.J. Evans et al., "Characterization of β -haemolytic Group B <i>Streptococcus agalactiae</i> in cultured seabream, <i>Sparus auratus</i> L., and Wild Mullet, <i>Liza klunzingeri</i> (Day), in Kuwait," <i>Journal of Fish Diseases</i> 2002, 25, 505-513		
	AV1	P. VANDAMME et al., " <i>Streptococcus difficile</i> is a Nonhemolytic Group B, Type Ib <i>Streptococcus</i> ," <i>International Journal of Systematic Bacteriology</i> , Jan. 1997, pp. 81-85, Vol. 47, No. 1		
	AW1	AVI ELDAR et al., "Vaccination with Whole-Cell Vaccine and Bacterial Protein Extract Protects Tilapia against <i>Streptococcus difficile</i> meningoencephalitis," <i>Vaccine</i> Vol. 13, No. 9, pp. 867-870, 1995		
	AX1	M. AKHLAGHI et al., "Comparison of Passive and Active Immunization of Fish against Streptococcosis (Enterococcosis)," <i>Journal of Fish diseases</i> 1996, 19, pp. 154-258		
	AY1	DONALD F. AMEND, "Potency Testing of Fish Vaccines," International Symposium in Fish Biologics: Serodiagnostics and Vaccines, Leetown, W. VA, 1981, <i>Develop. Biol. Standard</i> , 49, pp. 447-454 (S. Karger, Basel 1981)		
	AZ1	A.M. BAYA et al., "Association of <i>Streptococcus</i> sp. with Fish Mortalities in the Chesapeake Bay and its Tributaries," <i>Journal of Fish Diseases</i> 1990, 13, pp. 251-253		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Sheet	3	of	4	Attorney Docket Number	0170.03

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	AR2	H. BERCOVIER et al., "Immunization with Bacterial Antigens: Infections with Streptococci and Related Organisms," Gudding R. Lillehaug A. Midtlyng PJ, Brown F (eds): Fish Vaccinology.. <i>Dev Biol Stand. Basel, Karger</i> , 1997, vol 90, pp 153-160		
	AS2	DAVID W. COOK et al., "Pathogenicity Studies with a <i>Streptococcus</i> sp. Isolated from Fishes in an Alabama-Florida Fish Kill," <i>Trans. Amer. Fish. Soc.</i> , 1975, No. 2 pp. 286-288		
	AT2	JOHN A. ELLIOTT et al., "Whole-Cell Protein Patterns of Nonhemolytic Group B, Type Ib, Streptococci Isolated from Humans, Mice, Cattle, Frogs, and Fish," <i>Journal of Clinical Microbiology</i> , Mar. 1990. pp. 628-630		
	AU2	PATRICIA M. GLIBERT et al., "A Fish Kill of Massive Proportion in Kuwait Bay, Arabian Gulf, 2001: the Roles of Bacterial Disease, Harmful Algae, and Eutrophication," <i>Harmful Algae</i> 1 (2002) 215-231		
	AV2	PHILLIP H. KLESIUS et al., "Efficacy of Single and Combined <i>Streptococcus iniae</i> Isolate Vaccine Administered by Intraperitoneal and Intramuscular Routes in Tilapia (<i>Oreochromis niloticus</i>)," <i>Aquaculture</i> 188 (2000) 237-246		
	AW2	PHILLIP H. KLESIUS et al., "Efficacy of a Killed <i>Streptococcus iniae</i> Vaccine in Tilapia (<i>Oreochromis Niloticus</i>)," <i>Bull. Eur. Ass. Fish Pathol.</i> , 19(1),39,1999		
	AX2	RIICHI KUSUDA et al., "A Comparative Study of Fish Pathogenic <i>Streptococcus</i> Isolated from Saltwater and Freshwater Fishes," <i>Bulletin of the Japanese Society of Scientific Fisheries</i> 44(10) 1073-1078 (1978)		
	AY2	TERUYUKI NAKANISHI et al., "Development of a New Vaccine Delivery Method for Fish: Percutaneous Administration by Immersion with Application of a Multiple Puncture Instrument," <i>Vaccine</i> 20 (2002) 3764-3769		
	AZ2	J.A. PLUMB et al., "Streptococcus sp. from Marine Fishes Along the Alabama and Northwest Florida Coast of the Gulf of Mexico," <i>Transactions of American Fisheries Society</i> 2, 358-361		

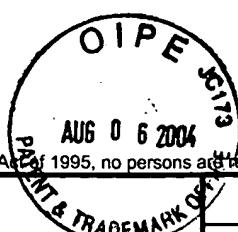
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Sheet	4	of	4	Attorney Docket Number	0170.03

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	AR3	VICTORIA RASHEED et al., "histopathology of Bullminnows, <i>Fundulus grandis</i> Baird & Girard, Infected with a Non-haemolytic Group B <i>Streptococcus</i> sp.," <i>Journal of Fish Diseases</i> 1985, 8, 65-74	
	AS3	VICTORIA RASHEED et al., "Pathogenicity of a Non-haemolytic Group B <i>Streptococcus</i> sp. in Gulf Killifish (<i>Fundulus Grandis</i> Baird and Girard)," <i>Aquaculture</i> , 37 (1984) 97-105	
	AT3	JORDAN A. ROBINSON et al., "Streptococcal Fish Pathogen," <i>Journal of Bacteriology</i> , August, 1966 Vo. 92, No. 2 p. 512	
	AU3	ROMALDE, J.L. et al., "Prevention of Streptococcosis in Turbot by Intraperitoneal Vaccination: a review," <i>J. Appl. Ichthyol.</i> 15, 153-158	
	AV3	JESUS L. ROMALDE et al., "Long-Lasting Protection Against Turbot Streptococcosis Obtained with a Toxoid-Enriched Bacterin," <i>Bull Eur. Ass. Fish pathol.</i> , 16(5), 169, 1996	
	AW3	A.E. TORANZO et al., "Efficacy of Intraperitoneal and Immersion Vaccination against <i>Enterococcus</i> sp. Infection in Turbot," <i>Aquaculture</i> 134:17-27	
	AX3	P. VANDAMME et al., "Streptococcus <i>difficile</i> is a Nonhemolytic Group B, Type Ib Streptococcus," <i>International Journal of Systematic Bacteriology</i> Jan. 1997 pp. 81-85 Vol. 47 No. 1	
	AY3	HAZEL W. WILKINSON et al., "Nonhemolytic Group B Streptococci of Human, Bovine, and Ichthyic Origin," <i>Infection and Immunity</i> March 1973 Vol. 7, 496-498	

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